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U.S. DISTRICT COURT

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DISTRICT OF UTAH

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*Pro Se Plaintiff*

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**UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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JESSE C. TRENTADUE,

Plaintiff,

vs.

UNITED STATES CENTRAL  
INTELLIGENCE AGENCY,

Defendants

**COMPLAINT**

Case: 2:08cv00788  
Assigned To : Nuffer, David  
Assign. Date : 10/10/2008  
Description: Trentadue v. United  
States Central Intelligence Agency

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By way of *Complaint* under the *Freedom of Information Act*, 5 U.S.C. §§ 552 *et*.

*seq.* (hereinafter "*FOIA*"), Plaintiff Jesse C. Trentadue alleges and complains against the

United States Central Intelligence Agency as follows:

**PARTIES**

1. Plaintiff is a citizen of the United States and a resident of Salt Lake County, Utah.

2. The United States Central Intelligence Agency (“CIA”) is an “Agency” of the Executive Branch of the United States of America within the meaning of 5 *U.S.C.* §§ 551(1) and 552(f)(1). As an Agency of the Executive Branch, the CIA is subject to *FOIA* and a proper party within the meaning of 5 *U.S.C.* §§ 702 and 703.

**JURISDICTION AND VENUE**

3. This Court’s jurisdiction over this matter arises under 5 *U.S.C.* § 552(a)(4)(B); the *First Amendment to the Constitution of the United States*; the *Administrative Procedure Act*, 5 *U.S.C.* §§ 701 *et seq.*; 28 *U.S.C.* § 1331; and the equitable powers inherent in the Courts of the United States of America.

4. Venue lies within this Court pursuant to 5 *U.S.C.* § 552(a)(4)(B) and 28 *U.S.C.* § 1391(e).

**GENERAL ALLEGATIONS AS TO CIA**

5. On December 19, 2006, Plaintiff served three separate and discrete *FOIA Requests* upon the CIA. Plaintiff’s first *FOIA Request* sought the following

documents and/or records: CIA Office of Inspector General documents and/or records , directly or indirectly, relating or referring to the CIA's knowledge of the April 19, 1995, attack upon the Murrah Federal Building, including documents and/or records, directly or indirectly, relating or referring to any investigations of the CIA's involvement with or connection to the Murrah Building Bombing. A copy of this *FOIA Request* is attached hereto as Exhibit 1 and incorporated by reference.

6. Plaintiff's second *FOIA Request* sought the following documents and/or records: the documents and/or records which Linda Cipprianni of the CIA's Office of General Counsel had provided to Assistant United States Attorney Beth Wilkinson of the OKBOMB Task Force related to the Murrah Building Bombing. A copy of this *FOIA Request* is attached hereto as Exhibit 2 and incorporated by reference.

7. Plaintiff's third *FOIA Request* sought the following documents and/or records: documents and/or records on Andreas Carl Strassmier which, directly or indirectly, related or referred to Andreas Strassmier's possible involvement in the bombing of the Murrah Federal Building on April 19, 1995; Strassmier's role and/or activities as an informant, aid or operative, including working for or reporting to the German government, FBI, Southern Poverty Law Center or others; and/or Strassmier's activities at Elohim City, Oklahoma, including his relationship with Timothy McVeigh

and/or the Midwest Bank Robbery Gang. A copy of this *FOIA Request* is attached hereto as Exhibit 3 and incorporated by reference.

8. By letter dated February 23, 2007, the CIA acknowledged receipt of Plaintiff's three December 19, 2006, *FOIA Requests*. In that letter, the CIA advised Plaintiff that the agency had "combined" his three separate *FOIA Requests* and was treating them as one by assigning all three *Requests* reference number "F-2007-00513." In that letter, the CIA also asked for a written commitment from Plaintiff to pay for search and production costs in responding to the combined *Requests*. Plaintiff believes and, therefore, alleges that the CIA combined these *Requests* in order to delay producing the documents and/or records and to increase the cost to Plaintiff of that production. A copy of that letter is attached hereto as Exhibit 4 and incorporated by reference.

9. On March 4, 2007, Plaintiff wrote to the CIA agreeing to pay the CIA's search and production costs as outlined in the February 23, 2007, letter. A copy of Plaintiff's March 4, 2007, letter is attached hereto as Exhibit 5 and incorporated by reference.

10. On October 17, 2007, Plaintiff wrote to the CIA asking for a status report on his *FOIA Requests*. A copy of that October 17, 2007, letter is attached as Exhibit 6 and incorporated by reference.

11. By letter dated November 5, 2007 but not received by Plaintiff until November 16, 2007, the CIA wrote to Plaintiff's about his request for a status report. In that letter, the CIA informed Plaintiff that it was unable to give him a definite date by which it would respond to his three *FOIA Requests*. A copy of the CIA's November 5, 2007, letter is attached hereto as Exhibit 7, and incorporated by reference.

12. By letter dated March 28, 2008, Plaintiff again wrote to the CIA to inquire about the status of his *FOIA Requests*. A copy of that letter is attached hereto as Exhibit 8 and incorporated by reference. The CIA never responded to that March 20, 2008, inquiry from Plaintiff.

13. The CIA did not respond to Plaintiff's three *FOIA Requests* as required by 32 C.F.R. § 1900.21 and/or 28 U.S.C. § 552(a)(6). The CIA responses to Plaintiff's *FOIA Requests* were not in accordance with 28 U.S.C. § 552(a)(6) in that the CIA did not inform Plaintiff of the name, title position of the person withholding the requested documents and/or records; the reason(s) for withholding the documents and/or records, including any *FOIA* exemption; an estimate of the volume of documents and/or records or information withheld and number of pages or in some other reasonable form of estimation; and a statement that the withholding could be appealed. Moreover, the CIA's responses to Plaintiff's *FOIA Requests* were also not in compliance with the requirements

of 32 *C.F.R.* § 1900.21 and 5 U.S.C. § 552(a)(6)(A) in that the CIA in its responses failed to make a determination as to whether it would comply with or deny Plaintiff's *FOIA Requests*.

14. Due to the CIA not having complied with the requirements of 32 *C.F.R.* § 1900.21 and 5 U.S.C. § 552(a)(6)(A) in responding to the subject *FOIA Requests*, pursuant to 5 U.S.C. §§ 552(a)(6)(A) and (C), Plaintiff has constructively exhausted his administrative remedies.

**CAUSE OF ACTION AS TO THE CIA**  
**(Refusal to Produce Documents)**

15. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 14 above.

16. Plaintiff has a statutory right to the documents and/or records requested in his *FOIA Requests* to the CIA.

17. The CIA has possession and control of the documents and/or records requested by Plaintiff.

18. Pursuant to *FOIA*, the CIA has a statutory duty to produce those documents and/or records to Plaintiff but has breached and continue to breach that duty.

19. The CIA has responded in bad faith to Plaintiffs' *FOIA Requests* in that the

CIA has produced no documents and/or records in response to Plaintiff's *FOIA Requests*. Neither has the CIA asserted any exemptions from disclosure with respect to the documents and/or records requested by Plaintiff. The CIA also has no legal basis to withhold the documents and/or records requested by Plaintiff but the CIA has unlawfully denied and continues to unlawfully deny Plaintiff access to these documents and/or records.

20. The CIA has also responded in bad faith by combining Plaintiff's separate *FOIA Requests* in to a single *Requests* thereby delaying production of the documents and/or records requested by Plaintiff and increasing the cost of that production.

21. As a direct and proximate result of such denials, Plaintiff has suffered and continues to suffer grave and irreparable injury.

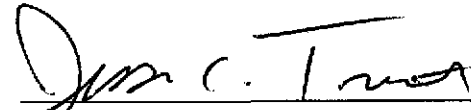
22. Plaintiff is entitled to seek judicial review of the CIA's actions and/or in actions with respect to has three *FOIA Requests* and that review is authorized pursuant to 5 U.S.C. § 552(a)(4)(B). Plaintiff is also clearly entitled to judicial relief in this Court as set forth in the prayer to this *Complaint*.

**PRAYER**

Wherefore, Plaintiff respectfully requests this Court for judgment and/or other relief against the CIA as follows:

1. For an Order permanently enjoining the CIA from withholding the documents and/or records which Plaintiff has requested under FOIA and further requiring the CIA to immediately produce all such documents and/or records;
2. For an *Order* awarding Plaintiff his costs, disbursements and reasonable attorney's fees pursuant to 5 U.S.C. § 552(a)(4)(E); and
3. For an *Order* awarding Plaintiff such other and further relief as may be equitable, just and proper under the circumstances.

DATED this 10<sup>th</sup> day of October, 2008.

  
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Jesse C. Trentadue  
*Pro Se Plaintiff*

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